



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

February 24, 2021

**Via Emailed PDF**

P.T. Blooms LLC Development  
7905-C Cessna Ave.  
Gaithersburg, MD 20879

Attn: Patrick Bloomfield  
[pat@ptbloomsllc.com](mailto:pat@ptbloomsllc.com)

Re: Determination -1402 12<sup>th</sup> St NW (Square 0279, Lot 19) - 21-Z-PDRM-00076

Dear Mr. Bloomfield:

This letter confirms the substance of the PDRM meeting you had with Shawn Gibbs, Zoning Technician on February 9, 2021, and the review of the Building Plans and materials (attached as "Exhibit A," "Exhibit B," and "Exhibit C"), regarding the proposed Project located at 1402 12<sup>th</sup> Street, NW (Square 0279, Lot 19) (the "Subject Property").

The Subject Property is currently improved with a three-story building that is currently used as a single-family dwelling (the "Building"). You are proposing to construct a penthouse addition to the Building and convert the Building for use as an Apartment House with ten (10) dwelling units (the "Project"). You have asked for a zoning review of the Project to confirm its compliance with the applicable Zoning Regulations.

**Proposed Use.**

You are proposing to convert the existing single family building for use as an Apartment House with ten (10) dwelling units. Multi-family uses are a matter-of-right use in the subject RA-3 District, pursuant to *U § 401.1 (d)*, and therefore is a permitted use.

**FAR (Floor Area Ratio).**

Pursuant to *F § 302.1*, the maximum permitted FAR in the RA-3 Zoning District is 3.0 (6375 square feet of GFA based on a lot area of 2,125 square feet). You are proposing an FAR of 2.78 (5,925 square feet of GFA). Accordingly, the Project complies with the FAR requirements of the RA-3 zone.

**Building Height.**

Pursuant to *F § 303.1*, the maximum permitted height in the RA-3 zone is fifty feet (60 ft.). You are proposing a total building height of thirty six feet (36 ft.).

Accordingly, the Project complies with the height requirements of the RA-3 Zoning District. This height is measured from the same mid-point of the front façade as is used for the GFA calculation, pursuant to *B § 308.2*.

**Existing Areaway.**

Pursuant to *B-100.2* of the Zoning Regulations, a Building Façade is defined as “An exterior vertical plane, face, or side of a building, exclusive of any permitted projections”. The existing commercial storefront is installed at ground level and sited 36” in front of the property line. The Areaway at its maximum depth projects 48” past the face of the commercial storefront.

Pursuant to the subsection (b) of the “Exceptions to Grade” definition in *B-100.2*, “An areaway that provides direct access to an entrance and, excluding associated stairs and ramps, projects no more than five feet (5 ft.) from the building face”. The existing areaway is less than 5’ from the commercial building’s face/façade and therefore is compliant as an exception to establishing grade height. Existing grade is located at the sidewalk level.

**Penthouse Height.**

Pursuant to *F § 303.2*, The maximum height for a Penthouse structure from the top of roof to top of penthouse roof is 12’. The project is proposing a penthouse roof height of 11’ (no parapet wall). Therefore, the project complies with penthouse height requirements.

**Court.**

The existing structure contains and an “atrium” space, which consists of a closed court, that has been “extinguished” with a trellis (with rafters spaced 24 inches on center). Therefore, the feature is not subject to the closed court area and width requirements of *F § 202.1*.

**Rear Yard and Penthouse Setbacks.**

The existing structure currently does not contain a rear yard, and is considered a nonconforming structure pursuant to *C § 202.2*. The proposed penthouse addition will not encroach into the minimum fifteen (15) foot setback requirements of *F § 305.1*, and also will meet the rear building wall 1:1 penthouse setbacks of *C § 1502.1 (b)*. Therefore, the project is compliant with the minimum rear yard setback and the rear penthouse setback requirements. The penthouse will also meet the 1:1 front building wall penthouse setbacks of *C § 1502.1 (a)*.

**Green Area Ratio.**

The minimum Green Area Ratio (GAR) is 0.4 (*F § 307.1*). Pursuant to *C § 601.7*, “A historic resource and any additions thereto are exempt from the requirement of of this chapter as a result of a change in use or increase of intensity of use, except that this

*chapter shall be applicable when any additions result in an increase in gross floor area of the historic resource by fifty percent (50%) or more. For purposes of this chapter a "historical resource" is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the Historic Preservation Office as contributing to the character of the historic district in which it is located.* The Project is located within the Shaw Historic District and does not increase the GFA by more than fifty percent (50%), therefore the project is exempt from providing GAR. The applicant will be required to submit a GAR Exemption Application and obtain signatures/approvals from the State Historic Preservation Officer, as well as the Office of the Zoning Administrator with the building permit application.

#### **Inclusionary Zoning.**

The proposed development is a conversion from a single-family dwelling into an 10-Unit Apartment House, resulting in a net increase of nine (9) new dwelling units. As the proposed development is not creating ten (10) or more new dwelling units ( C § 1001.2 (a)(2), the Project is not subject to Inclusionary Zoning.

#### **Off-Street Automobile Parking Requirement.**

The existing single-family dwelling building was constructed in 1894, and pre-dated the 1958 Zoning Regulations. Under the 2016 Zoning Regulations, the structure/use would have an off-street parking requirement of at least one (1) 9' by 18' off-street parking space, pursuant to C § 701.5. Therefore, a parking credit for one (1) parking space is recognized for the site.

The site is located 0.5 mile from the *Mount Vernon Sq 7<sup>th</sup> St-Convention Center Metro Station*, therefore the minimum vehicle parking requirement identified in the table of Subtitle C § 701.5 shall be reduced by fifty percent (50%) for any site which is located pursuant to C § 702.1. The normal parking requirement for a nine (9) dwelling unit building would be one (1) parking space. Due to the provision of one (1) parking credit, you are not required to provide any off-street automobile parking spaces for the Project.

#### **Bicycle Parking.**

The Property is located within the Shaw Historic District. Pursuant to C § 802.6, additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on the effective date of this title. The additional minimum parking required shall be calculated based upon the entire gross floor area added. You are not increasing the floor area by fifty percent (50%) or more and you will only be subject to bicycle parking requirements if the additional GFA is used to house 8 or more dwelling units, as residential bicycle parking is based on the number of units and is only triggered with 8 or more units. Accordingly, you are exempt from long-term/short-term bicycle parking requirements.

**Lot Occupancy.**

The existing project building footprint is at 100% lot occupancy and is considered a nonconforming structure pursuant to *C § 202.2*. The existing structure includes a covered atrium (extinguished closed court), which is currently included in Building Area, and therefore also in the Lot Occupancy calculation.

**Penthouse Habitable Space – Housing Production Trust Fund.**

Pursuant to *C § 1001.2 (a)(3)* and *C § 1500.11*, for residential buildings, the construction of penthouse habitable space, except penthouse habitable space devoted exclusively to communal rooftop recreation or amenity space for the primary use of residents of the residential building, is subject to the Inclusionary Zoning set-aside provisions of *Subtitle C, Chapter 10 (Inclusionary Zoning)*. This requirement may be satisfied by contributing a certain amount to the Housing Production Trust Fund, pursuant to *Chapter 10* and *Chapter 15 of Subtitle C*. As of today, and assuming use of the entire 0.4 FAR of penthouse habitable space (850 sf), the amount of that Housing Production Trust Contribution is estimated to be \$48,504.

I have reviewed the attached exhibits and concur that the project complies with the applicable Zoning Regulations for the RA-3 Zoning District.

Accordingly, when the building permits are filed for, my office will approve permits consistent with the above presented zoning criteria and compliance information. Please let me know if you have any further questions.

Sincerely, Matthew Le Grant  
Matthew Le Grant  
Zoning Administrator

Attachments: A- Floor Plans and Isometric view  
B- Plan Set and Photos – Historic  
C- Penthouse Habitable Space HPTF Calculation Spreadsheet

Zoning Tech: Shawn Gibbs

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

File: Det Let re 1402 12<sup>th</sup> St NW to Bloomfield 2-24-21